

## **REMARKS**

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the following remarks is respectfully requested.

### **35 U.S.C. 102(e) Rejections**

Claims 1-4, 8, and 9 have been rejected under 35 U.S.C. 102(e) as being unpatentable by each of Kapusniak (US 2005/0157147) and Kapusniak (US 2005/0158486). According to the Examiner, each Kapusniak reference discloses an inkjet recording element containing a support having thereon an ink receiving layer containing particles of an aluminosilicate (abstract), and further discloses that the aluminosilicate can be acidic (referencing paragraph 40 of Kapusniak '147, and paragraph 39 of Kapusniak '486). Applicants respectfully traverse the Examiner's rejection, and request reconsideration.

Claim 1 expressly requires use of allophone-type aluminosilicate particles which have been submitted to an acidic treatment. As described in the specification, such allophone-type aluminosilicate particles as used in the claimed inkjet recording element may be natural or synthetic allophone particles which are submitted to an acidic treatment. As explained in the specification, acidic treatment results in the surface of the allophone-type aluminosilicate particles being modified (page 6, lines 14-15), thus, it is clear that such treated particles are compositionally distinct from particles which have not been submitted to an acidic treatment. The Examples of the present invention further demonstrate that such allophone-type aluminosilicate particles which have been submitted to an acidic treatment provide distinct performance properties in comparison to the same particles which have not been submitted to an acidic treatment, thus demonstrating the compositional distinctness of such treated particles. Such performance distinctions are specifically demonstrated for both natural and synthetic allophone particles which have been submitted to an acidic treatment.

Contrary to disclosing use of compositionally distinct allophone-type aluminosilicate particles which have been submitted to an acidic treatment, each of referenced paragraphs 40 of Kapusniak '147 and 39 of Kapusniak '486 simply note that synthetic allophone may be more amorphous and acidic than

natural allophone. Such observation clearly does not equate to a disclosure of using either type of allophone-type aluminosilicate particles (i.e., whether natural or synthetic) which particles have been submitted to an acidic treatment as required in accordance with the present claimed invention. The mere observation that synthetic allophone may be more amorphous and acidic than natural allophone does not amount to an anticipation of use of either type of allophone-type aluminosilicate particles which have been further submitted to an acidic treatment. Rather, no such acidic treatment for any actually prepared synthetic particles is disclosed in either Kapusniak reference, and the present claimed invention is accordingly clearly not anticipated thereby. The Examiner's comment in the "Response to Arguments" section of the final rejection that as "Kapusniak [sic] discloses acidic aluminosilicate used in the ink receiving layer, the claim limitations are therefore met" entirely fails to address Applicants' arguments as to the lack of any specific disclosure of allophone-type aluminosilicate particles which have been submitted to an acidic treatment, which, as explained above, clearly relate to compositionally distinct particles in comparison to the particles actually employed in Kapusniak which have not been submitted to an acidic treatment. Thus, the claimed invention is clearly not anticipated. Should the Examiner elect to maintain such anticipation rejection, he is respectfully requested to specifically identify the relied upon disclosure of Kapusniak which supports an anticipation rejection with regard to the use of allophone-type aluminosilicate particles which have been submitted to an acidic treatment, rather than a mere observation that synthetic allophone may be more acidic than natural allophone, without any disclosure of submitting such different types of allophanes to an actual acidic treatment.

While the mere observation that synthetic allophone may be more acidic than natural allophone clearly falls short of being an anticipation of the use of allophone-type aluminosilicate particles which have been submitted to a further acidic treatment with regard to either of natural or synthetic allophone particles, it is further noted that the rejection based on such mere observation is even further in clear error with regard to anticipation of the use of natural allophone which has been submitted to an acidic treatment in accordance with claim 2.

The “anticipation” rejections are accordingly in clear error, and should be withdrawn.

**35 U.S.C. 103(a) Rejections**

Claims 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over each of Kapusniak ‘147 and Kapusniak ‘486. Claim 7 is further rejected under 35 U.S.C. 103(a) as being unpatentable over each of Kapusniak ‘147 and Kapusniak ‘486 in view of Schliesman (6129785). Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over each of Kapusniak ‘147 and ‘486 in view of Doronin (RU 2205685). While each of such rejections is respectfully traversed for the reasons set forth in Applicants’ previous response, submitted herewith is a Statement of Common Ownership disqualifying Kapusniak ‘147 and Kapusniak ‘486 under 35 USC 103(c) as prior art in a rejection under 35 USC 103(a).

**STATEMENT OF COMMON OWNERSHIP**

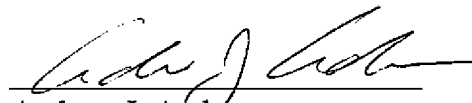
The subject matter of US 2005/0157147, US 2005/0158486, and the claimed invention were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to Eastman Kodak Company.

Withdrawal of the rejections of Claims 5-7 under 35 U.S.C. 103(a) as being unpatentable over either of Kapusniak ‘147 and Kapusniak ‘486, alone or in combination with either of Schliesman (6129785) or Doronin (RU 2205685), is accordingly respectfully requested.

In view of the foregoing remarks, the claims are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Andrew J. Anderson", is written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.